

CHAPTER 10

TEXT AMENDMENTS & GENERAL USE REZONING

10.1 Applicability

Text amendment and zoning map amendments are intended to accommodate substantive changes that are consistent with the Moore County Land Use Plan and otherwise advance the public's health, safety, and general welfare. The Board of County Commissioners may, on its own motion, upon recommendation of the Planning Board, or upon petition by an interested person or parties, amend this Ordinance and zoning map. Rezoning applications shall be submitted by the owner or an agent with permission granted by the owner. Any interested party can initiate a text amendment.

10.2 Application Process

- A. Submittal. Following a required pre-application conference with the Administrator, the completed application shall be submitted at least 30 days prior to the Planning Board meeting at which it is to be heard. Upon completion of the technical review, the Administrator shall prepare and forward the staff report any related application materials to the Planning Board.
- B. Planning Board. The Planning Board shall hold a legislative public hearing and shall review and make a recommendation of approval or denial to the Board of Commissioners that addresses Land Use Plan consistency and other matters as deemed appropriate by the Planning Board.
- C. Board of Commissioners. the Board of Commissioners shall hold a legislative public hearing and concurrently with adopting, denying, or remanding any amendment request, the Board of Commissioners shall adopt a statement describing whether its action is consistent with the County Land Use Plan and explain why the action taken to be reasonable and in the public interest.
- D. Notification of Decision. The Administrator shall mail the formal written copy of the decision to the applicant and/or the property owners of the petitioned property. There may be no subsequent application for the same or similar use submitted by any party for any part of the subject property until 12 months have elapsed from the date of denial. Exceptions to this limitation include requests originating from the Board of Commissioners, Planning Board, Board of Adjustment or County Administration.
- E. Appeals to Court. Text amendment and zoning map amendment decisions shall be appealed to Superior Court pursuant to Section 2.1(C).

10.3 Notice of Public Hearings

- A. Mailed Notice. Whenever there is a rezoning request, the Administrator shall notify by certified mail return receipt of the public hearings to the applicant(s), the owner(s) of the parcel(s) of land shown on the County tax records, and all property owners of abutting properties (as the last addresses listed in the County tax records) at least 10 but not more than 25 days prior to the date of each public hearing.
- B. Published Notice. Notice of the public hearings for proposed text amendments and rezoning requests shall be published in a newspaper of general circulation once a week for 2 consecutive weeks prior to each public hearing pursuant to NCGS 153A-323.
- C. Posted Notice. A sign shall be posted on the property to be rezoned, abutting to the road(s) or easement(s), not less than 10 days prior to each public hearing. When multiple parcels are included, a posting on each parcel is not required, but the County shall post sufficient notices to provide reasonable notice.
- D. Fort Bragg Notification. Rezoning requests and text amendments that would change or affect the permitted uses of land located within 5 miles or less from the perimeter boundary of a military base shall be forwarded to the Regional Land Use Advisory Commission for review (NCGS 153A-323B) not less than 10 days or more than 25 days before the date fixed for the Planning Board public hearing. Staff shall forward RLUAC's analysis regarding the compatibility of the proposed changes with military operations at the base to the Planning Board and Board of Commissioners.
- E. Fifty Or More Parcels. If the application will result in changes to the zoning map for 50 parcels or more and owned by more than 50 different property owners the mailed notice may be replaced by a published notice per Section 10.3(B). The published advertisement shall not be less than one half of a newspaper page in size. Property owners who reside outside of the newspaper circulation area, according to the address listed in the most recent tax listing for the affected property, shall be notified according to the provisions of Section 10.3(A).